

## CORPORATE POWERS AND PROHIBITIONS GENERALLY

### Title 2

## CORPORATE POWERS AND PROHIBITIONS GENERALLY

### Sec. 2.1. General enumeration.

The city council of the City of Chattanooga shall have power by ordinance. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

- (1) Property taxes. To levy and collect taxes upon all property taxable by law for state purposes, but no property shall be exempt from taxation except property exempt from state taxes. (Priv. Acts 1869-70, Ch. 4, § 9, Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Property tax provisions generally, § 6.66 et seq.

- (2) Privilege taxes; fees. To levy and collect taxes upon all privileges taxable by laws of the state; to impose any fee or charge reasonably necessary to the exercise of any of its powers. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2; Priv. Acts 1969, Ch. 82, § 5)

**Editor's note**-The provisions relating to fees and charges set out in § 2.1(2) are derived from § 5, Ch. 82, Private Acts 1969.

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (3) Appropriations; payment of city debts. To appropriate money and provide for the payment of all debts and expenses of the city. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

**Cross references**-Appropriations generally, § 6.91 et seq.; borrowing power of city generally, § 6.101 et seq.

- (4) General health; abatement of nuisances. To make regulations to secure the general health of the inhabitants, and to prevent, abate and remove nuisances. The city shall have the power to abate and remove nuisances at the expense of the owner or owners and the expense shall be secured by a lien upon the property for which the expenditure is made, which lien shall be superior to all other liens, except liens for state, county and municipal taxes and special assessments, which lien may be enforced by suit in any court of competent jurisdiction of Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Declaration and abatement of nuisances, § 2.7.

- (5) Contagious disease; quarantines. To make regulations to prevent the introduction of contagious disease in the city; to make quarantine laws for that purpose, and to enforce same within the corporate limits and within the city's

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police jurisdiction. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

- (6) Hospitals. To establish hospitals, and make regulations for the government thereof. To establish and maintain a system of hospitals jointly with Hamilton County, and to make regulations for the operation, maintenance and government thereof. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

**Cross references**-Joint city-county hospitals, § 2.10; for joint city-county hospital board, § 9.3.

- (7) Streets and sidewalks generally. To alter, abandon, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks or to have same done by the owners of adjacent property. The city shall have the power to require the owners abutting to construct, reconstruct, maintain and repair sidewalks in front of such property or the city may construct, reconstruct or repair such sidewalks at the expense of the owner or owners and the expense shall be secured by a lien upon the property for which the expenditure is made, which lien shall be superior to all liens except liens for state, county and municipal taxes, which lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Streets and sidewalks generally, Title 15.

- (8) Bridges, culverts, sewers and gutters. To construct, erect, establish and keep in repair bridges, culverts, sewers and gutters. (Priv. Acts 1949, Ch. 536, § 2)
- (9) Lighting streets and public buildings. To provide for lighting the streets and public buildings. (Priv. Acts 1949, Ch. 536, § 2)
- (10) Markets and markethouses. To erect markethouses, establish markets and regulate the same. (Priv. Acts 1949, Ch. 536, § 2)
- (11) Erection of buildings by city. To provide for the erection of all buildings necessary for the use of the city. (Priv. Acts 1949, Ch. 536, § 2)
- (12) Public grounds. To provide for enclosing, improving and regulating all public grounds belonging to the city within or without the corporate limits. (Priv. Acts 1949, Ch. 536, § 2)
- (13) Public wharves. To construct, maintain and repair public wharves, and to regulate the use of wharves, docks and landings, and to fix the rate of wharfage and the rent of any buildings or structures. (Priv. Acts 1949, Ch. 536, § 2)
- (14) Gaming. To restrain and prohibit gaming. (Priv. Acts 1949, Ch. 536, § 2)

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- (15) Licenses-Generally. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, laundries, dry cleaning plants, coffee houses, confectioneries, hawkers, peddlers, bowling alley[s], billiard tables, pool tables, garages and wholesalers and retailers of alcoholic beverages. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (16) Same-Vehicles for hire. To license, tax and regulate taxicabs, automobiles for hire, trucks and buses; to fix a rate to be charged for the carriage of persons and property by any vehicle held out to the public use for hire within the city; to require indemnity bonds, issued by surety companies, or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle for the protection of the city or any person against loss by injury to person or damage to property, and to make all needful rules or regulations for the government of such conveyances and their operation within the city and for a distance of seven miles beyond the city limits; to issue certificates of convenience and necessity for the operation of taxicabs, automobiles for hire and buses, and to determine the number of taxicabs, automobiles or buses needed for the furnishing of transportation to the inhabitants of the city and the public in general. (Priv. Acts 1949, Ch. 536, § 2)

- (17) Same-Theatrical and other exhibitions; suppression of bawdy houses, gambling equipment, etc. To license, tax and regulate theatrical or other exhibitions, moving picture shows, amusements and to prohibit and suppress gambling houses, disorderly houses, bawdy houses, obscene pictures and literature; the sale, manufacture or transportation of intoxicating liquors in violation of the laws of the state or ordinances of the city, and to confiscate and destroy gambling equipment, stills and intoxicating liquors when manufactured, possessed or transported in violation of the federal or state laws or ordinances of the city. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (18) Same-Machines used for sport or skill, jukeboxes, etc. To license, tax and regulate machines for use for sport, skill or exhibition, including pinball machines, marble tables or machines, plunger shooting tables or machines, high score games, digger or grabbing machines and jukeboxes or other musical devices or machines. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (19) Firearms, fireworks, fire hazards, etc. To provide for the prevention and extinguishment of fires. To regulate and prohibit and suppress the sale of firearms and the carrying of concealed weapons; to regulate, prohibit and suppress the sale and use of firecrackers, fireworks and toy pistols and any other business of any character which may be declared to be dangerous to the

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security and well-being of the inhabitants or to property. To regulate, restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires. To regulate the transportation, storage and use of combustible, explosive and inflammable materials and the use of lighting and heating equipment and to provide for the abatement and prevention of fire hazards of all kinds. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

- (20) Fire prevention bureau. To establish a fire prevention bureau for the enforcement of ordinances for the prevention of fires. (Priv. Acts 1949, Ch. 536, § 2)
- (21) Weights and measures; standards of quality for foodstuffs. To establish standard weights and measures and regulate the weights and measures to be used in the city; to provide for their enforcement; to provide standards of quality for all foodstuffs and food products used for human consumption and to provide for their enforcement. (Priv. Acts 1949, Ch. 536, § 2)
- (22) Inspection, weighing, etc., of lumber, coal, fuel, etc. To provide for the inspection and weighing or measuring of lumber, building material, stone, coal, coke, wood, fuel, hay, corn and other grain or feed. (Priv. Acts 1949, Ch. 536, § 2)
- (23) Disorderly persons; breaches of the peace. To provide for the arrest, imprisonment and punishment of riotous and disorderly persons within the city, and for the punishment of all breaches of the peace, noise, disturbance or disorderly assemblies. (Priv. Acts 1949, Ch. 536, § 2)
- (24) Animals and fowls. To license, tax, regulate or suppress the keeping and going at large of all animals, including domestic fowls, within the city, to impound the same, and, in default of redemption, to sell or kill the same. (Priv. Acts 1949, Ch. 536, § 2)
- (25) Inspection department; buildings generally. To establish an inspection department for the inspection of the construction of buildings, plumbing, electrical, heating, and to license builders, electricians, plumbers, steamfitters and to impose license fees for permits for the construction of buildings, installation of electric wiring, plumbing or heating systems; to regulate the erection of buildings and other structures; to compel the owner to provide and maintain fire escapes and other safety features, and to provide fire districts or zones and building zones; to regulate, prohibit or suppress or provide for the destruction and removal of any building or other structure which may be or become dangerous or detrimental to the inhabitants or to the public. (Priv. Acts 1949, Ch. 536, § 2)

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- (26) Eminent domain. To acquire by eminent domain land and grounds within the city for any municipal or corporate purpose when the public convenience and necessity require it. (Priv. Acts 1949, Ch. 536, § 2)
- (27) Acquisition of land beyond corporate limits. To provide for the taking and appropriating of lands and grounds beyond the corporate limits of the city by condemnation when the public necessity so requires for any municipal purpose. (Priv. Acts 1949, Ch. 536, § 2)
- (28) Acquisition of property for parks. To acquire all necessary property for park purposes within the corporate limits of the city, either by purchase, condemnation or otherwise. (Priv. Acts 1949, Ch. 715, § 2)  
(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)
- (29) Acquisition of property in Moccasin Bend for parks, recreation. To acquire by gift, purchase or by the exercise of the power of eminent domain land and interest in land or property located generally within the Moccasin Bend of the Tennessee River, lying west of the corporate limits of the City of Chattanooga in Hamilton County, Tennessee, for park and recreational purposes. The city council of the City of Chattanooga shall have power to institute and prosecute any proceedings in the exercise of the power of eminent domain for the acquisition of such property for park and recreational purposes in accordance with the laws of the State of Tennessee relating to the exercise of such right and power, being Sections 3109, et seq., of the 1932 Code of Tennessee [T.C.A. Section 29-16-101 et seq.], and any and all Acts amendatory thereof.

The director of the budget or of accounts or other state official authorized to make allocations and distribution of state funds, be, and hereby is authorized to pay to the City of Chattanooga one hundred thousand dollars (\$100,000.00) appropriated for such purpose by the provisions of Chapters No. 181 and No. 268, Public Acts of Tennessee, 1951, respectively, to be used by the city along with funds provided by the city and Hamilton County and others for acquiring the property described in Section two (2) hereof for park and recreational purposes.

Hamilton County be, and hereby is authorized to appropriate not to exceed fifty thousand dollars (\$50,000.00) for the purpose of aiding the city in acquiring said property for park and recreational purposes. The availability of such park to the residents of Hamilton County will result in such benefits to such county and the citizens thereof as to make proper the contribution by the county to the cost of the acquisition of said land for park and recreational purposes.

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The City of Chattanooga be, and hereby is authorized to appropriate not to exceed fifty thousand dollars (\$50,000.00) to be used for the purpose of acquiring the property hereinabove described and to accept gifts from individuals, firms and corporations of funds to be used for said purpose.

The funds received from the State of Tennessee, Hamilton County, and from individuals, firms and corporations shall be deposited in a separate fund to be used exclusively for the purpose of acquiring said property. (Priv. Acts 1953, Ch. 2, §§ 2-6)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

- (30) Protection of dumb animals and children. To provide for the protection of dumb animals and children and to provide for punishment for cruelty to same. (Priv. Acts 1949, Ch. 536, § 2)
- (31) Acquisition, disposition, etc., of public buildings, etc. To erect, construct, equip, maintain and operate or sell, lease or dispose of any public building and equipment and appurtenances thereto within or without the corporate limits of the city. (Priv. Acts 1949, Ch. 536, § 2)
- (32) Acquisition, disposition, etc., of land or buildings for municipal purposes. To purchase, lease or otherwise acquire and hold any land or building for any municipal purpose. (Priv. Acts 1949, Ch. 536, § 2)
- (33) Disposition of surplus property. To authorize the sale, lease or disposition of any property belonging to the City of Chattanooga not needed for public purposes for the fair, reasonable market value thereof. (Priv. Acts 1949, Ch. 536, § 2)
- (34) Heating and air conditioning; stationary engineers. To regulate the installation of boilers, heating systems, air conditioning systems and to require permits for such installations, and to examine and license stationary engineers engaging in operating steam plants within the corporate limits. (Priv. Acts 1949, Ch. 536, § 2)
- (35) Loudspeakers and other noise making devices. To license, tax, regulate, prohibit and suppress the operation of loudspeakers or other noise making devices on vehicles, aircrafts or buildings. (Priv. Acts 1949, Ch. 536, § 2)
- (36) Breaches of the peace; observance of the Sabbath. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances, Sabbath

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breaking or disorderly assemblies in any street, house or place in the city by day or by night. (Priv. Acts 1949, Ch. 536, § 2)

- (37) Solicitors; distribution of handbills. To license, tax and regulate solicitors and the distribution of handbills. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (38) Privilege taxes and privilege licenses. To authorize the imposition of a fee of one dollar and fifty cents (\$1.50) for the collection of privilege taxes and the issuance of privilege licenses. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (39) Right-of-way for public utilities. To grant rights-of-way through the streets, alleys, thoroughfares and tunnels and over the bridges of the city for the use of public or quasi-public utilities, and to provide the terms under which said permits may be granted. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Franchises, Title 7; public utilities generally, Title 14; maximum term for grant of right-of-way, § 7.1.

- (40) Regulation of police; fines and imprisonments. To regulate the police of the city; to provide for fines, forfeitures and penalties for the breach of any ordinance of the city and for the enforcement, recovery and appropriation of the same, and to provide for confinement in a workhouse for failure to pay any fine. (Priv. Acts 1949, Ch. 536, § 2; Priv. Acts 1969, Ch. 82, § 2; Ord. No. 11305, §1, 08-20-02)

**Amendment note**-Priv. Acts 1969, Ch. 82, § 2, amended § 2.1(40) by providing for confinement in "a" workhouse in lieu of "the city" workhouse; by providing for confinement for failure to pay any fine instead of "any fine, penalty or forfeiture"; by removing the \$50.00 limitation on penalties.

**Cross references**-Courts, fines and imprisonments, Title 4; police and firemen generally, Title 13; authority to provide for city workhouse and imprison violators, § 4.8; maximum fine for ordinance violations, § 4.50.

- (41) Police and fire departments. To provide for a police force and fire department and the organization and maintenance of the same, and to provide all proper equipment, houses and stations for said police force and the said fire department. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Police and firemen generally, Title 13.

- (42) Anchoring and mooring of vessels. To regulate stationary anchorage and mooring of vessels, houseboats or rafts when in the city. (Priv. Acts 1949, Ch. 536, § 2)

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- (43) Closing of wells, cisterns, etc. To provide for temporary or permanent closing of wells, cisterns and springs used by the public whenever the same are or are likely to be injurious to health. (Priv. Acts 1949, Ch. 536, § 2)
- (44) Creation of offices; appointment of officials. To create such offices and provide for the appointment or election of all officers as may be necessary for the good government of the city. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-City officers and employees generally, Title 3.

- (45) Bonds of certain city officials. To designate the positions in the city administration, where not otherwise provided by the Charter, in which the incumbent shall give bond, and to fix the amount of such bond. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-City officers and employees generally, Title 3; duty of officers to give bond before entering into office, § 3.2.

- (46) Consolidation, etc., of services with county, state, etc. To consolidate any of the services of the city with similar services of any county, state or other municipality or to use the service of any county, state or other municipality or to cooperate with any county, state or other municipality in the construction, establishment, use or acquisition of any services for the city and its inhabitants, upon agreement with the other jurisdictions as to the services to be provided by each and the respective shares of the cost involved. (Priv. Acts 1949, Ch. 536, § 2)

- (47) Tourist camps, trailers, hotels, etc. To license, tax and regulate tourist camps, trailer camps, tourist homes, rest homes, hotels, inns and boardinghouses and the use and occupancy of trailers. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (48) Tourist guides. To license, tax and regulate tourist guides within the city and within one mile of the corporate limits thereof. (Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (49) Milk. To establish a milk area for the city, and to license and inspect dairies and milk plants in said area; to license and inspect pasteurizing plants and other plants where milk and milk products are produced and processed, and to prohibit the sale of milk and milk products which have not been approved by the health director. (Priv. Acts 1949, Ch. 536, § 2)

- (50) Dangerous, etc., houses and walks. To impose penalties upon the owner or owners, occupants or agents of any house, walk or sidewalk or other structures which may be considered dangerous or detrimental unless, after due notice to be fixed by ordinance, the same be removed or repaired; and, in the event the

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city shall at its own expense be compelled to remove or repair such property, the cost of such repairs or removal shall be and constitute a lien against said property, and the city shall also be entitled to a personal judgment against the owner or occupant thereof, and said lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)

- (51) Weeds, rubbish, etc. To impose penalties upon the owner or owners, occupants or agents of any lot or parcel of land in the city for permitting to remain thereon obnoxious weeds, rubbish, grass or leaves which may be considered dangerous or detrimental to the health or safety of the citizens unless, after due notice, to be fixed by ordinance, the same be removed; and, in the event the city shall at its own expense be compelled to remove such grass, rubbish, leaves or weeds from such lot or parcel of land the cost of such removal shall be and constitute a lien against said property, and the city shall also be entitled to a personal judgment against the owner or occupant thereof, and said lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)
- (52) Acts, businesses, etc., detrimental to public health, safety, etc. To define, prohibit, suppress, prevent and regulate all acts, practices, conduct, business, occupation, callings, trades, uses of property, and all other things whatsoever detrimental to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and to exercise general police powers under the provisions of this Act and the general law. (Priv. Acts 1949, Ch. 536, § 2)
- (53) Golf driving ranges and archeries. To license and regulate golf driving courses and archeries in said city, and to require a license from all persons operating or maintaining a golf driving course or archery of thirty dollars (\$30.00) per annum for each golf driving course or archery. (Priv. Acts 1941, Ch. 535, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (54) Agents, etc., of boat manufacturers and jobber. To license all persons maintaining an office or place of business as agent or representative of any manufacturer or representative of any manufacturer or jobber of boats, or engaged in dealing in buying or selling boats, shall be classified as boat dealers, and shall pay a privilege tax for each place of business of fifty dollars (\$50.00) per annum. (Priv. Acts 1941, Ch. 535, § 2)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

- (55) Gasoline filling stations. To, by ordinance, regulate the construction, maintenance and operation of gasoline filling stations; to require permits for the construction, opening and reopening of filling stations; to regulate and zone the streets on which gasoline filling stations may be hereafter erected and existing filling stations reopened, and to provide for the issuance or

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certificates of necessity and convenience for the construction of additional filling stations, and to determine the number of filling stations that may be permitted on any street or in any block of any street, and such other regulations as may be necessary for the public health, safety and welfare, and collect inspection fees therefor. (Priv. Acts 1939, Ch. 578, § 1)

**Cross reference**-Zoning generally, § 12.21 et seq.

- (56) Barbershops and barber schools and colleges. To regulate the barber profession as practiced in said city, and barber schools or colleges or any barbershop operated in connection therewith, whether for the purpose of training students thereof or otherwise. (Priv. Acts 1937, Ch. 858, § 1; Priv. Acts 1959, Ch. 101, § 1)

**State law reference**-Municipal regulation of barbers and barbering, T.C.A. § 62-3-131.

- (57) Barbering prices and hours. (To especially regulate the prices charged for any and all work done by the barbers of said city, and also the hours of opening and closing of shops conducted by the barbers of said city. (Priv. Acts 1937, Ch. 858, § 2)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

- (58) Venereal disease. To pass an ordinance to prevent the spread of venereal diseases within said city and to quarantine all persons arrested for prostitution or vagrancy found to be infected with any venereal disease arrested within said city and to provide means and methods for examination of all such persons and means and methods of treating all persons so infected. (Priv. Acts 1937, Ch. 28)

- (59) Steam boilers, etc.; regulation of steam fitters. To, by ordinance, regulate the installation of steam boilers, pressure tanks, steam and hot water heating plants, and steam pipes of any character, and to create the office of steam fitter inspector and fix the compensation thereof, and the term of office, and require permits for the installation of steam boilers, pressure tanks, steam and hot water systems or the installation of steam pipes of any character. The provisions of this Act [subsection] shall not apply to any work done in connection with any manufacturing plant or assembly plant. (Priv. Acts 1935, Ch. 778, §§ 1, 2)

- (60) Schools. (Repealed by Ord. 10079--see footnote 4) (RESERVED)  
\_\_\_\_\_(Priv. Acts 1869-70, Ch. 4, § 9)<sup>1</sup>

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<sup>1</sup> **Editor's note**-Pursuant to Ord. No. 10079, adopted 8-9-94, ratified by vote of people on 11-8-94, Private Acts 1869-70, Chapter 4, Section 9, as it relates to schools, is hereby repealed as of June 30, 1997.

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**Cross reference**-Schools and education generally, Title 17.

- (61) Waterworks. To provide the city with water by waterworks or otherwise, within or beyond the boundaries of the city. (Priv. Acts 1869-70, Ch. 4, § 9)
- (62) Watchmen. To establish, support and regulate watchmen by day and by night. (Priv. Acts 1869-70, Ch. 4, § 9)
- (63) Ferries. To regulate ferries so as not to conflict with the laws of Tennessee. (Priv. Acts 1869-70, Ch. 4, § 9)
- (64) Disorderly, etc., houses. To protect and suppress disorderly houses and bawdy houses. (Priv. Acts 1869-70, Ch. 4, § 9)

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- (65) Additional general powers. To pass all ordinances not contrary to the Constitution and laws of the state necessary for the health, convenience, safety and general welfare of the inhabitants of the city, and to carry out the full intent, corporate purposes and meaning of this Act as fully as if specifically authorized and as if the powers were expressly conferred. (Acts 1839-40, Ch. 32, § 3; Priv. Acts 1949, Ch. 536, § 2)

**Cross reference**-General authority of city council to pass ordinances, § 11.1.

### **Sec. 2.2. Establishment, alteration of wards.**

The city council of the City of Chattanooga may by ordinance establish, alter, modify, change, abolish, merge or consolidate any ward or wards within the boundaries of the city. (Priv. Acts 1965, Ch. 256, § 2)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

### **Sec. 2.3. Municipal band.**

The city council of said city shall have the power to establish and maintain a municipal band and to appropriate money from the municipal treasury for that purpose, and are hereby empowered to levy a special tax, not to exceed one-half (1/2) of one mill on the annual tax aggregate, for such purpose. (Priv. Acts 1927, Ch. 246, § 1)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

**Cross reference**-Authority to appropriate for youth concerts, § 6.92.

### **Sec. 2.4. Opening and closing hours of merchants.**

The city council may, by ordinance, regulate opening and closing hours of merchants, including grocery stores and meat markets, in the City of Chattanooga. (Priv. Acts 1937, Ch. 25, § 1)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

### **Sec. 2.5. Parking meters.**

(1) In order to promote public safety and relieve traffic congestion on the streets of the City of Chattanooga, said city be, and is hereby, authorized and empowered to provide by ordinance for the installation, operation, maintenance, policing and supervision of parking meters on its streets as an aid to the regulation and control of the parking of vehicles thereon, and to fix and require the payment of a fee for the privilege of parking opposite such meters when they are in operation, and to determine on what streets or parts of streets in said city parking meters shall be placed, and the hours during which same shall be in operation. In event there is any revenue left after paying the cost of acquiring, maintenance and enforcement of the ordinances authorized herein, such net revenue shall become a part of the general fund of the city.

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(2) Ordinance No. 2331 of the City of Chattanooga, passed on third and final reading September 5th, 1939, entitled:

"An Ordinance relating to traffic and regulating the use of public streets and highways of the City of Chattanooga, Tennessee, providing for the installation, regulation and control of the use of parking meters; requiring deposit of coins for the use of parking meters and parking meter zones; establishing and defining parking meter zones; authorizing the payment for parking meters and the installation thereof, and for repairs and supply parts therefor exclusively from the receipts obtained from the operation of parking meters, and authorizing the setting aside of all or a part of said receipts as a special fund for such payment; providing for the enforcement hereof; providing penalties for a violation of the provisions hereof."

be, and the same is, hereby in all things validated, ratified and approved. (Priv. Acts 1941, Ch. 416, §§ 2, 3)

**Editor's note-**Ord. No. 2331, referred to above, was replaced by Ord. No. 4269, § 1, which was, in turn, replaced by Ordinance Nos. 6016, § 1, 6211, § 1, 7643, § 1, 7700, § 1, 8040, 8437, § 1, 8465, § 1 and 8565, § 1, the parking meter provisions, which are codified as section 24-316 et seq. of the Code of Ordinances.

### **Sec. 2.6. Lease contracts with federal government.**

The charter of the City of Chattanooga, Tennessee, and all acts heretofore passed amendatory, be, and the same are hereby amended so as to authorize the city council of said city to enter into lease contracts with the United States of America for the use of any property owned by said city for the purpose of constructing armories and auxiliary buildings in which to house its military forces, said lease contracts to be for such terms and upon such conditions as the city council may determine, and for such rental, including nominal rent, as may be agreed upon by the city council and representatives of the United States of America. (Priv. Acts 1951, Ch. 532, § 1)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

### **Sec. 2.7. Declaration of nuisances; abatement of same.**

The City of Chattanooga shall have power to make regulations to secure the general health and safety of the inhabitants, and to prevent and remove nuisances. In order to accomplish these objects, the city council may declare, by ordinance, what constitutes nuisances, and provide for the abatement of the same, and make or cause to be made all repairs and improvements necessary for the health, safety and convenience of the inhabitants; and all expenses or outlay of said city shall be reimbursed by the owner or owners, and shall be secured by a lien upon the property upon which the expenditure is made, which lien shall be superior to any other contractual lien and may be enforced by suit in the chancery court. (Priv. Acts 1937, Ch. 830, § 2) (Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

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**Cross reference**-Authority to abate nuisances, § 2.1(4).

### **Sec. 2.8. Creation, discontinuance, etc., of officers not provided for by charter.**

Said city council and mayor shall have power from time to time to create, fill, and discontinue other offices and employments than those herein prescribed, according to their judgment of the needs of the city.

When said city council shall, as now authorized by law, create any new office, the ordinance creating such office may provide that it shall be filled by appointment by the Mayor with the approval of said city council. (Priv. Acts 1869, Ch. 4, § 6; Priv. Acts 1901, Ch. 432, § 6; Priv. Acts 1911, Ch. 10, § 21; Priv. Acts 1913, Ch. 301, § 4)

(Paragraphs 3, 4, and 10 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

### **Sec. 2.9. Authority to subscribe to stock in railroad or turnpike companies.**

Said corporation [the city] shall have power to subscribe for stock in any railroad or turnpike company, and pay for the same with its bonds or otherwise; provided, that any subscription of stock herein provided for shall, before the same shall become valid and binding, be approved by a majority of the taxpayers of the city. (Priv. Acts 1866, Ch. 8, § 28)

### **Sec. 2.10. Construction, enlargement, etc., of joint city-county hospitals.**

(1) Hamilton County, Tennessee, and the City of Chattanooga, Tennessee, be and are hereby authorized to jointly construct and maintain a new hospital or enlarge existing hospitals now jointly maintained by said county and city.

(2) After the completion of such hospital or hospitals, the county court and city are authorized to have the same operated by the existing hospital board now in charge of the operation of the hospitals operated and maintained jointly by Hamilton County and the City of Chattanooga. (Priv. Acts 1937, Ch. 314, §§ 1, 3)

**Editor's note**-Section 2 of Priv. Acts 1937, Ch. 314 has been omitted from this compilation, since it establishes a named board to supervise the original hospital construction.

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

**Cross reference**-General authority to establish hospitals, § 2.1(6).

### **Sec. 2.11. Privilege tax on pleasure automobiles and motorcycles, taxicabs, buses, etc.**

The city council of the City of Chattanooga, Tennessee, shall have power by ordinance to levy a privilege tax on automobiles for hire, taxicabs, automobile passenger buses, and require indemnity bonds in surety companies or indemnity insurance policies to be filed with the city finance officer of said city by the owner or operator of any such vehicle for the protection of the city or any person against loss by injury to person or property. The said city council shall also have authority to levy a privilege tax upon the running of automobiles for pleasure and

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motorcycles, not to exceed five dollars (\$5.00) per annum on automobiles and two dollars (\$2.00) per annum on motorcycles. Said license shall be renewable annually, and for said license and each renewal thereof a fee fixed by ordinance not to exceed five dollars (\$5.00) for automobiles and not to exceed two dollars (\$2.00) for motorcycles may be charged. (Priv. Acts 1929, Ch. 652, § 3) (Paragraphs 4 and 13 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

**Cross reference**-Privilege taxes generally, § 6.44 et seq.

**Sec. 2.12.      Repealed (Ord. No. 11306, 08-20-02).**

**Sec. 2.13.      Reserved.**  
(Ord. No. 10741, § 1(1), 8-18-98)

**Sec. 2.14.      Supplemental pension payments.**

The city council may by ordinance provide for supplemental payments to all persons who are receiving a pension from the City of Chattanooga, and the same shall be payable from the general funds of the city. (Ord. No. 6783, § 1, 8-13-74)

**Editor's note**-Ord. No. 6783, § 1, adopted Aug. 13, 1974, proposed an amendment (Proposal 1) to the charter, subsequently approved at a referendum of the electorate Nov. 5, 1974. The provisions of § 2.14 became effective 60 days after date of election. (Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)